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Attorneys for Defendant Joseph Sgro

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARKEL AMERICAN INSURANCE COMPANY, as subrogee of DENNIS HALL,

Plaintiff,

--against--

ANGELO GRIMALDI, JOSEPH SGRO, RICHARD STIEGLITZ, JEFFERY CROPPER, JAMES BUCK, ANTHONY PERRY, CURTIS CROPPER,

Defendants

---x

Case No.: 10 Cv. 5447 (SJF)(WDW)

ANSWER WITH
CROSS-CLAIM

Defendant JOSEPH SGRO, by his attorneys Winograd & Winograd P.C., as and for his answer to the complaint of plaintiff MARKEL AMERICAN INSURANCE COMPANY, alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "1" of the complaint and respectfully refers all questions of law to the Court.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in both paragraphs labeled "2" of the complaint and respectfully refers all questions of law to the Court.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "3" of the complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "4" of the complaint.

5. Admits that he resides at 3344 Judith Drive, Bellmore, New York as alleged in paragraph "5" of the complaint, except denies having knowledge or information sufficient to form a belief as to the meaning of the term "relevant times."

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "6" of the complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "7" of the complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "8" of the complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "9" of the complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "10" of the complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "11" of the complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "12" of the complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "13" of the complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "14" of the complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "15" of the complaint.

16. Denies the allegations contained in paragraph "16" of the complaint.

17. Denies the allegations contained in paragraph "17" of the complaint, except admits that an indictment (no. I-2038) was returned in the County Court, Suffolk County .

18. Denies the allegations contained in paragraph "18" of the complaint.

19. With regard to paragraph "19" of the complaint, repeats and realleges the answers set forth above as if fully set forth herein.

20. Denies the allegations contained in paragraph "20" of the complaint.

21. Denies the allegations contained in paragraph "21" of the complaint.

22. With regard to paragraph "22" of the complaint, repeats and realleges the answers set forth above as if fully set forth herein.

23. Denies the allegations contained in paragraph "23" of the complaint.

24. Denies the allegations contained in paragraph "23" of the complaint.

AS AND FOR A FIRST DEFENSE

25. Plaintiff fails to state a claim against the answering defendant for which relief can be granted.

AS AND FOR A SECOND DEFENSE

26. Plaintiff's claims are barred by the applicable Statutes of Limitations.

AS AND FOR A THIRD DEFENSE

27. Plaintiff's right of recovery, if any, against the answering defendant is barred by the doctrines of set-off and recoupment.

AS AND FOR A CROSS-CLAIM AGAINST ALL CO-DEFENDANTS

28. If plaintiff sustained damages in the manner and at the time and place alleged, and if it is found that the answering defendant is liable to plaintiff herein, all of which is specifically denied, then the answering defendant is entitled to contribution from and judgment over and against his co-defendants for all or part of any verdict or judgment that plaintiff may recover against the answering defendant.

WHEREFORE, defendant JOSEPH SGRO demands judgment dismissing the complaint in its entirety, together with his costs, expenses and reasonable attorneys' fees.

Dated: New York, New York
January 27, 2011

WINOGRAD & WINOGRAD P.C.

By: /s/ Corey Winograd________
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